

EXHIBIT A

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1 IN THE UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF CALIFORNIA

3 _____
4 YELLCAKE, INC.,

5 Plaintiff,

6 v.

Case No:

7 HYPHY MUSIC, INC., 1:20-CV-00988-DAD-BAM

8 Defendant.

9 _____
10 VIDEOTAPED DEPOSITION OF JOSE MARTINEZ

11 DATE: Tuesday, July 26, 2022

12 TIME: 1:02 p.m.

13 REPORTED BY: Lani Watts, CVR-CM

14 JOB No.: 11545

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16 Conducted by videoconference via the Remote Legal
17 platform.

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REMOTE LEGAL

COURT REPORTING

646-461-3400

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1 BY MR. BERMAN:

2 Q So Mr. Martinez, what is your relationship
3 with the plaintiff, Hyphy Music, Inc.?

4 A I am the majority and only shareholder, I'm
5 also the CEO of the incorporation.

6 Q And when was Hyphy Music, Inc., first
7 incorporated?

8 A In 2014.

9 Q Does Hyphy Music currently have any employees?

10 A We have independent contractors.

11 Q Okay. Approximately how many independent
12 contractors work with Hyphy Music?

13 A Roughly about eight.

14 Q Okay. And have you ever been deposed before,
15 Mr. Martinez?

16 A Yes, counselor.

17 Q Approximately how many times?

18 A Once.

19 Q And what was the nature of the lawsuit that
20 you were being deposed in?

21 A I was a witness for a personal injury accident
22 or case.

23 Q Okay. And have you ever been convicted of a
24 crime?

25 A No, sir.

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1 over your client -- your counsel's objection, you could
2 answer.

3 THE WITNESS: Not to this particular
4 matter, but I did have a conversation with Mr. Hernandez
5 on the Chuy, Jr. matter, in which the similar question
6 arose or arose.

7 BY MR. BERMAN:

8 Q I'm talking about these specific albums, the
9 Los Originales albums referred to in paragraph 22. You
10 never had any specific conversations with David
11 Hernandez about the albums, correct?

12 A Not on this matter. No.

13 Q And so everything that you've stated in
14 paragraph 21 and 22, you allegedly had heard from Mr.
15 Chavez and other individuals, correct?

16 A I know I heard it from Mr. Chavez, and I heard
17 it from Pedro Chavez, and I heard it from Jorge Garcia.

18 Q Okay. And do you have any documents in your
19 possession that would reflect or otherwise substantiate
20 what you allege in paragraph 22 of the first amended
21 counterclaim?

22 A No documents. But I'd like to bring them
23 under oath so they can provide the testimony that will
24 support what I just stated.

25 Q And you stated earlier again that your

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1 agreements with Mr. Chavez and the band concerning the
2 Los Originales albums was oral only, correct?

3 A For five years, that was the situation.

4 Q And you have no independent knowledge as to
5 whether or not Mr. Chavez ever consulted with a lawyer
6 with regards to any potential obligations he may or may
7 not have with Hyphy, do you?

8 A Not since you guys appeared. No.

9 Q Okay. Referring to paragraph 24 of the
10 amended counterclaim marked as Exhibit C., it says, "On
11 about May and June of 2020, Counterclaimant first
12 learned that Counter-defendant Yellowcake was unlawfully
13 claiming ownership in the masters and sound recordings"
14 -- excuse me, "embodied in the Los Originales albums
15 when it's in correspondence to Counterclaimant. These
16 infringing works have previously been included in
17 Exhibit A to Plaintiff Yellowcake's complaint. As set
18 forth above, Counterclaimant had previously purchased
19 ownership in the master, sound recordings, and cover art
20 associated with the Los Originales album."

21 See that?

22 A Yes.

23 Q So just to clarify, for the record, the first
24 time Hyphy allegedly learned that Yellowcake was
25 claiming ownership in the same albums was in or about